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**NICHOLAS A. SPANO**  
 SENATOR, 35TH DISTRICT

RECEIVED  
 ASSISTANT MAJOR LEADER  
 FOR CONFERENCE OPERATIONS  
 CHAIRMAN  
 SENATE INVESTIGATIONS, ETHICS &  
 GOVERNMENT OPERATIONS COMMITTEE

January 7, 2002

The Honorable Donald Evans, Secretary  
 U.S. Department of Commerce  
 Room 5854  
 14th & Constitution Avenue, Northwest  
 Washington, DC 20230

Dear Secretary Evans:

It is my understanding that you have been requested to review a decision by the New York State Department of State regarding the Millennium natural gas pipeline. I am writing to ask you to uphold New York Secretary of State Daniels decision preventing the natural gas pipeline to be built across the Hudson River at Haverstraw Bay.

As you know, New York State, under the strong leadership of Governor Pataki and Secretary of State Randy Daniels, has found that the proposal to construct the Millennium pipeline across Haverstraw Bay, including the planned blasting and dredging of the Hudson River, would destroy the fragile ecosystems within the Bay. Throughout my tenure as a state legislator, I have worked with other leaders to help restore the Hudson River to its original beauty and majesty. If Secretary of State Daniels decision is overturned, I fear that the great advancements we have accomplished under the Pataki administration will be irreparably compromised.

In addition, the New York State Department of Environmental Conservation has found that the current Millennium proposal poses serious risks on the water supplies of the City of Yonkers and the Town of Greenburgh, which represents over two thirds of my Senate district.

Lastly, and perhaps most importantly, the Briarcliff School District, which I represent, has informed me that the proposed pipeline will come within 75 feet of their elementary school and within 350 feet of their secondary school. This is unacceptable. I will not place our state's most precious resource, our children, in danger in exchange for the pipeline. There are other alternative routes available that will provide clean burning natural gas that do not traverse our great county.

As the duly elected state representative for the City of Yonkers and the Towns of Greenburgh and Mount Pleasant, I would like to voice my strong support of the New York Department of State's ruling and urge you to uphold this common sense decision.

Sincerely,

  
 NICHOLAS A. SPANO  
 Senator

NAS:mvc

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UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
Washington, D.C. 20230

OFFICE OF THE GENERAL COUNSEL

FEB 3 2003

The Honorable Nicholas A. Spano  
New York State Senate  
Albany, New York, 12247

Dear Senator Spano:

Thank you for your letter regarding the Millennium Pipeline Company's administrative appeal filed under the Coastal Zone Management Act (CZMA), 16 U.S.C. 1451, et seq., and currently pending before the Department of Commerce. The National Oceanic and Atmospheric Administration (NOAA) processes many aspects of CZMA appeals for the Secretary of Commerce, and therefore was asked to respond to your letter.

Writing in strong support of the State of New York's objection to Millennium's proposal to cross the Hudson River at Haverstraw Bay, you raise a number of concerns regarding the pipeline, including possible adverse impacts to the resources of Haverstraw Bay and to the water supply of jurisdictions within your Senate district.

As you may know, Millennium has asked the Secretary to override the State's opposition for a procedural reason, concerning the timing of New York's objection to the Millennium project. Millennium also requested an override on either of the two substantive grounds provided in the CZMA. The first ground requires the Secretary to determine that the proposed activity is "consistent with the objectives" of the CZMA. The second substantive ground for overriding a State's objection considers whether the proposed activity is "necessary in the interest of national security." See section 307(c)(3)(A) of the Coastal Zone Management Act and the Department of Commerce's implementing regulations, 15 CFR Part 930, §§121, 122.

Although we cannot comment on the merits of an ongoing administrative appeal, please be assured that we carefully review all information contained in the appeal record in order to develop proposed findings for the Secretary's consideration.

Thank you again for your views concerning this important matter.

Sincerely,

James R. Walpole  
General Counsel

